

REMARKS/ARGUMENTS

Reconsideration of this application in light of the above amendments, submissions and following comments is respectfully requested.

Initially, with regard to the examiner's rejection of previously submitted claims 1-12 on the ground of non-statutory obviousness-type double patenting over U.S. Patent No. 6,649,042, Applicant submits concurrently herewith a Terminal disclaimer along with a statement that the instant application and the cited references are currently owned by the same party. It is respectfully submitted that these submissions renders any rejection by the examiner of the claims of the instant application on the grounds of obviousness-type double patenting moot. The examiner previously rejected claims 1-12 under 35 U.S.C. 103 as being obvious over the aforesaid '042 patent. In this regard Applicant submits that he, Carlos Dassori, was the inventor of the subject matter disclosed but not claimed in U.S. Patent No. 6,649,042 and, therefore, the subject matter claimed in the instant application and the subject matter disclosed in the '042 patent are derived from the same inventor and therefore the invention disclosed in the '042 patent does not constitute an invention "by another". Accordingly, any rejection of the claims as amended herein based on the '042 patent would be improper as the '042 patent does not constitute prior art.

The examiner rejected previously submitted claims 1-12 under 35 U.S.C. 112, second paragraph as being indefinite. Independent claim 1 has been amended by incorporating the subject matter of claim 2 and deleting the term "initial characteristic" and the term "final characteristic". It is submitted that claims 1 and 3-12 as currently pending comply with the formal requirements of 35 U.S.C. 112, second paragraph.

Finally, previously submitted claims 1-12 were rejected

under 35 U.S.C. 103 as being unpatentable over Buchanan, U.S. Patent 6,017,443. Applicant respectfully requests the examiner to reconsider this rejection for the reasons set forth hereinbelow.

The examiner acquiesces that the '443 patent does not disclose a system of reactors which include three catalytic zones the second one of which is selected by recycling a gas stream. The examiner, however, concludes that it would be obvious to modify the Buchanan process by employing at least three catalytic zones in order to obtain a more purer product. Even assuming that the examiner's position is correct in that a third catalyst zone would be obvious, there is more to the claimed process than a third zone. This includes not only the treatment gas in the third zone but the fact that the treatment gas flows cocurrently. The prior art to Buchanan not only fails to teach a third treatment zone but fails to teach a third treatment zone wherein the gas stream is a recycled gas stream and that recycled gas stream flows cocurrently with the hydrocarbon product. It is respectfully submitted that the examiner's conclusion of obviousness is nothing more than a hindsight reconstruction based on the instant disclosure. If the examiner is to maintain this rejection he must specifically point out the motivation for not only a third catalytic zone but for a third catalytic zone having the treatment gas claimed for flowing in the manner as claimed in order to get an improved product. The prior art does not teach the foregoing. The prior art does not teach the criticality as is demonstrated in the instant application of the third zone. The prior art does not teach the criticality of the concurrent flow as demonstrated in the examples of the instant application. Nor does the prior art teach the benefit obtained using recycled gas as opposed to non-recycled gas. In this regard the examiner's attention is drawn

to the disclosure and the results shown in Figures 3-11 of the instant application. The examiner's conclusion of obviousness is based on nothing more than a hindsight reconstruction.

In light of the foregoing, it is submitted that all of the claims as pending patentably define over the art of record and an early indication of same is respectfully requested.

An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims as amended herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

If any fees are required in connection with this case, it is respectfully requested that they be charged to Deposit Account No. 02-0184.

Respectfully submitted,
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I, Rachel Piscitelli, hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313" on April 6, 2006.

